Revenue **(1947-48) Department.**

SERIES.

G.O. No. 1442

Dated 13th July 1948

[Despatch Abstract.]

Acts and Bills - The Madras Re-enacting and Repeal Bill, 1947 - Finalising - Instructions for re-enacting or repeal.

REVENUE DEPARTMENT.

ACTS AND BILLS - The Madras Re-enacting and Repealing Bill, 1947 - Finalising - Instructions from the Legal Deptt., U.O. Note No.7659-1, dated the 12th July 1947.

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To A.S. II

The file relates to the repeal or the re-enactment of the following Acts relating to estates which were enacted during the Section 93 situation:--

(1) The Madras Estates Land (Amendment) Act, 1942

(2) The Madras Estates Land (Temporary Amendment) Act, 1944

(3) The Madras Estates Land (Amendment) Act, 1945

(4) The Madras Estates Land (Second Amendment) Act, 1945.

A memorandum for legislation was prepared on the subject and submitted to H.M. (L.R.), H.M. (Home), H.Pr. and H.E. for orders. It was ordered that item (1) need not be continued after 29-4-1948 and that items (2), (3) and (4) should be re-enacted. Copies of the Memorandum for legislation were circulated to the other H.Ms. None of the H.Ms to whom copies were circulated, except H.M. (Food), have raised any objection to the proposals in the Memorandum.

H.M.(Food) desires to know whether the re-enactment of the Acts mentioned as items (2), (3) and (4) is necessary in view of the Abolition Bill now before the Legislative Assembly. The reasons why it is considered necessary to re-enact these Acts are stated in para 2(2) of the Memorandum on page 5 c.f. The Abolition Bill has just been introduced in the Legislative Assembly and it is proposed to refer it to a Select Committee consisting of members of both the Houses. It is expected that the Bill will become law before the end of March at the latest. It is the intention of H.M.(L.R.) that all the estates in the Province should be taken over by the Government at one and the same time as soon as the Bill becomes law. But even so, in view of the preliminary arrangements that will have to be made for the purpose, it is not likely that all the estates will be taken over before 29-4-48 when the three Acts referred to will cease to be in force. The Estates Land Act will cease to apply to an estate with effect from the date from which the estate is taken over by the Government by notification. As such, in respect of estates which are not taken over by the Government before 29-4-48, the Acts in question which are Acts amending the Estates Land Act have also to be continued.

2. The file may be circulated to H.M.(Food) through H.M. (L.R.)

G.V.
15-12-47
** **
19-12-47 H.M.(L.R)
** **
20-12-47 H.M.(Food)

To A.S.

The file may now be sent to Legal for further action with reference to para 3 of their U.O. note on p.6 c.f.

G.V.
21-12-47 p.t.o.

LEGAL DEPARTMENT.

According to the orders in circulation, Madras Act I of 1944 is to be re-enacted. Section 2 of that Act provides that it is open to a landholder "at any time during the continuance of the present war or within a period of one year from the termination thereof" to admit any person to temporary possession of ryoti land in his estate, subject to certain conditions. The war having ended on 1-4-46, the period specified in section 2, during which a landholder could admit persons to temporary possession of ryoti land expired on 1-4-47. After the latter date, no person can be admitted to temporary possession of ryoti land in his estate, for the purposes specified in the Act. It is not clear whether the intention is that the right conferred on the landholder by section 2 should be revived even though the period fixed in the Act expired nine months ago. If so, the words "at any time during the continuance of the present war or within a period of one year from the termination thereof", occurring in section 2 will have to be omitted. Revenue may kindly clarify the position urgently. A B

K.V.R.
3-1-48.

REVENUE DEPARTMENT.

To A.S.

Please see the Legal Department's note on pp.6-7 above. The intention is as stated at A above. The amendments suggested by Legal at B above may be accepted.

The file may be returned to Legal.

It does not appear that any provision is necessary in respect of the period from 1-4-47 and the date on which the proposed re-enactment comes into force as no temporary assignments of land could have been made under the provisions of Act I of 1944 on and from 1-4-1947.

L.S.
4-1-48

A above is the intention.

G.V.
4-1-48.

LEGAL DEPARTMENT.

Out of the four Acts referred to on page 5 ante, it is proposed to allow the Madras Estates Land (Amendment) Act, 194[illegible] to lapse after 29-4-48 and to re-enact the remaining 3 Acts - see paragraph 3 of the Memorandum for legislation and 'A' on page 5 ante.

2. The words "at any time during the continuance of the present war or within a period of one year from the termination thereof" in section 2 of the Madras Estates Land (Temporary Amendment) Act, 1944 (Madras Act I of 1944) have been omitted as desired by Revenue. The words "in the present emergency" occurring in the preamble to that Act may also be omitted as they will not now be appropriate. Madras Act I of 1944 may be re-enacted with these modifications.

3. Necessary entries relating to Madras Acts II and XIV of 1945 have been included in the First Schedule to the Madras Re-enacting and Repealing (No.II) Bill, 1948, and necessary entries relating to Madras Act I of 1944 have been included in the Second Schedule to the above Bill These entries and the draft of the Statement of Objects and Reasons to be included in respect of the above Acts are at flag (W) and are for acceptance in the Revenue Department.

K.V.R./8-1-48 p.t.o.

To A.S.

Please see the Legal Department's note on pp.7-8 above. The entries in the first and second schedules to the Madras Re-enacting and Repealing (No.II) Bill 1948 and the draft of the statement of Objects and ~~Relations~~-Reasons at flag (W) may be accepted and the case returned to Legal.

G.V.
9-4-48.

LEGAL DEPARTMENT.

The extracts of the Schedule and Statement of Objects and Reasons have been removed from the file and retained in ~~the~~ this Department for use in connection with the draft Madras Re-enacting and Repealing (No.II) Bill, 1948. After the Bill is finally ready, it will be sent to the Revenue Department in due course for checking the entries with which they are concerned. This file is not required in this department at present and is therefore returned to the Revenue Department.

K.V.R.
10-1-48

Revenue Department.

To A.D.S.

The Madras Re-enacting and Repealing (No.II) Bill, 1948 has since become an Act and has been published as Act VIII of 1948 in Part IV-B of the Fort St. George Gazette Extraordinary, dated 28th April 1948. A copy of G.O.Ms. No.85 Legal, dated 27th April 1948 ~~ordi~~ ordering the publication of the Act has just been received and it is being circulated to sections. It is ascertained from Legal that it will take some time to get spare copies of the G.O. from the Press. A copy of the G.O. may be added to these papers if and when it is received from Legal. It does not seem necessary to keep the file pending till then. The papers may be --

G.O.Ms.No.~~1642~~ d/

Recorded.

Please don't be in such a hurry to close the papers. You will have to examine whether the Bill has been passed as drafted or whether any amendments have been made to it.

The copy of the G.O. was not 'just been received' as stated. It was received in A section long ago. I am sure printed copies are available now. I saw one in the personal file some days ago. Better get one and examine whether the Bill as drafted has been passed without any modifications and whether and if so what further action is necessary.

No body wants this feverish haste.

L.S.R.
28-6-48.
Rev. Deptt.

To A.D.S.

The file relates to the re-enactment of --

(1) The Madras Estates Land (Temporary Amendment) Act, 1944.

p.t.o.

(2) The Madras Estates Land (Amendment) Act, 1945; and
(3) The Madras Estates Land Second (Amendment) Act, 1945,

which were passed during the Section 93 situation. Item (1) above has been re-enacted with modifications mentioned in para 2 of the Legal note on p.8 ante, and items (2) and (3) have been re-enacted without any modifications - Vide the First Schedule and the second schedule to the Madras Re-enacting (No.II) Act, 1948, ordered to be published as Act VIII of 1948 in the Fort St. George Gazette in G.O.No. 85 Legal dated 28-4-48. No further action is called for in this file. The papers may be

They have been re-enacted with the modifications specified in Sec. 5 of the repaaling Act.

L.S.R.
9-7-48

G.O.Ms.No. d/

Recorded

Has the G.O. been communicated to the Board of Revenue ?

L.S.R.
9-7-48

To A.D.S.

A.D.S's query at the bottom of p.10 ante.

G.O.No.85 Legal dated 28-4-48 has been communicated to the Board of Revenue by 'A' Section.

The papers may now be --

G.O.Ms.No.1642, dated 13-7-1948.

Recorded.

Abstract

ACTS AND BILLS - The Madras Re-enacting and Repeal Bill, 1947 - Finalising - Instructions for re-enacting or repeal.

(True copy)

Office Assistant,
Madras Record Office.

28/7/54.